

09/894,087

MS171133.01/MSFTP213US

**REMARKS**

Claims 1-4, 6-7, 12, 15, 20-21, 23, 25, 27, 31, 34-36, 38, and 47 are currently pending in the subject application and are presently under consideration. Claims 3, 7, 12, 15, 21, 31, 35 and 38 have been amended herein to cure minor informalities, and claims 1 and 47 have been amended to further emphasize aspects of applicants' claimed invention. Additionally, claim 17 has been cancelled without prejudice or disclaimer. A version of all pending claims is presented at pages 2-6 of this Reply. Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

**I. Rejection of Claims 7 and 35 Under 35 U.S.C. §112**

Claims 7 and 35 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter. This rejection should be withdrawn for at least the following reasons. Claims 7 and 35 have been amended herein to cure the minor informalities identified by the Examiner. Accordingly, this rejection should be withdrawn.

**II. Rejection of Claim 1 Under 35 U.S.C. §102(e)**

Claim 1 stands rejected under 35 U.S.C. §102(e) as being anticipated by Liversidge *et al.* (US 2002/0076025). Withdrawal of this rejection is requested for at least the following reasons. Liversidge *et al.* does not disclose or suggest each and every aspect set forth in the subject claim.

A single prior art reference anticipates a patent claim only if it *expressly or inherently describes each and every limitation set forth in the patent claim.* *Trintec Industries, Inc. v. Top-U.S.A. Corp.*, 295 F.3d 1292, 63 USPQ2d 1597 (Fed. Cir. 2002); *See Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The *identical invention must be shown in as complete detail as is contained in the ... claim.* *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989) (emphasis added).

09/894,087

MS171133.01/MSFTP213US

Applicants' claimed invention relates to a system and method to facilitate meetings, collaboration, coordination and communications between message senders and receivers, wherein a prediction model is constructed from past presence, actions, and calendar of a user to forecast the timing of the user's availability status for a variety of tasks including receiving messages and/or communications or participating in meetings. In particular, the claimed invention can facilitate meetings, coordination and communications between message senders and receivers, wherein a prediction model or component is constructed from past presence, actions, and calendar of a user to forecast the timing of a user's availability status for receiving messages and/or communications or participating in meetings. Such inferences can then be utilized to report or display the user's status to colleagues globally and/or selectively and can be employed in a variety of applications such as for automated meeting or interactive communications schedulers or communication relay systems. To this end, independent claim 1, as amended, recites: *an e-mail service that generates dynamically customized automated responses to one or more messages based on a user's availability and a prediction model*. Liversidge *et al.* does not disclose or suggest these exemplary features of the invention as claimed.

Liversidge *et al.* relates to a virtual team environment that facilitates collaboration among geographically dispersed team members using a distributed application that provides the virtual team environment. In particular, the cited document provides a method of inviting a person to join a communications session initiated using a collaboration services suite accessed from a team member interface of a virtual team environment. Liversidge *et al.* however does not generate dynamically customized automated responses based on a user's availability and forecasting information derived from a predication model. Nowhere in the cited document is this aspect of applicants' claimed invention disclosed. The invention as claimed in contrast, generates dynamically customized messages wherein the message content is customized based at least in part on a user's availability/unavailability and forecasting information generated *via* employment of a prediction model. Thus, for the aforementioned reasons the cited document and applicants' claimed invention are clearly distinguishable. Accordingly, withdrawal of this rejection is respectfully requested.

09/894,087

MS171133.01/MSFTP213US

**III. Rejection of Claims 2, 3, 12, 15, 17, 31, 34-35, and 38 Under 35 U.S.C. §103(a)**

Claims 2, 3, 12, 15, 17, 31, 34-35, and 38 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Liversidge et al.* in view of *Horvitz et al.* (US 6,021,403).

This rejection should be withdrawn for at least the following reasons. The subject claims depend from independent claim 1, and *Horvitz et al.* does not remedy the aforementioned deficiencies with respect to *Liversidge et al.* Accordingly, withdrawal of this rejection is requested.

**IV. Rejection of Claims 4, 6, 7, 20, 21, 36, and 47 Under 35 U.S.C. §103(a)**

Claims 4, 6, 7, 20, 21, 36, and 47 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Liversidge et al.* in view of *Horvitz et al.* (US 6,021,403) and further in view of *Horvitz et al.* ("Attention-Sensitive Alerting"). Withdrawal of this rejection is requested for at least the following reasons. *Liversidge et al.*, *Horvitz et al.* and the article by *Horvitz et al.* entitled "Attention-Sensitive Alerting", either alone or in combination, do not teach or suggest all aspects of the subject claims.

To reject claims in an application under §103, an examiner must establish a *prima facie* case of obviousness. A *prima facie* case of obviousness is established by a showing of three basic criteria. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) *must teach or suggest all the claim limitations*. See MPEP §706.02(j). The *teaching or suggestion to make the claimed combination* and the reasonable expectation of success *must be found in the prior art and not based on the Applicant's disclosure*. See *In re Vaack*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991) (emphasis added).

As stated *supra*, applicants' claimed invention relates to a system and method to facilitate meetings, collaboration, coordination and communications between message senders and receivers, wherein a prediction model is constructed from past presence, actions, and the calendar of a user to forecast the timing of the user's availability status

09/894,087

MS171133.01/MSFTP213US

for a variety of tasks including receiving messages and/or communications or participating in meetings. To this end, independent claim 47, as amended, recites: *means for generating an automated message response based upon forecasting information derived from the prediction model, the automated message response includes content dynamically transformed based at least in part on the forecasting information.* The combination of Liversidge *et al.*, Horvitz *et al.* and the article "Attention-Sensitive Alerting" do not teach or suggest these aspects of applicants' claimed invention.

As stated above, Liversidge *et al.* relates to a virtual team environment that facilitates collaboration among geographically dispersed team members using a distributed application that provides the virtual team environment, but this primary document does not teach or suggest dynamically transforming message content based at least in part on forecasting information generated from a predication model. Further, the secondary document, Horvitz *et al.*, relates to a system and method for automated machine reasoning to provide assistance to software users and to optimize functionality of computer systems and software by performing inference about user's needs and preferences in the operation of software systems or applications. The secondary document however, like the primary document, does not provide an automated message response that includes content that is dynamically transformed based at least in part on forecasting information generated through utilization of a prediction model.

In addition, the tertiary document, the article "Attention-Sensitive Alerting" by Horvitz *et al.*, relates to utility-directed procedures for mediating the flow of potentially distracting alerts and communications to computer users, and in particular provides models and inference procedures that balance the context-sensitive costs of deferring alerts with the cost of interruption. The tertiary document however, makes no mention of dynamically transforming message content with forecasting information wherein the forecasting information is generated from a prediction model. It is thus submitted, given the failure of any of the cited documents to teach or suggest the exemplary aspects of applicants' claimed invention that the invention as claimed and the cited documents are patentably distinguishable. Accordingly, withdrawal of this rejection with respect to the subject claims is requested.

09/894,087

MS171133.01/MSFTP213US

**V. Rejection of Claims 23 and 25 Under 35 U.S.C. §103(a)**

Claims 23 and 25 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Liversidge et al.* in view of *Horvitz et al.* (US 6,021,403) and further in view of *Horvitz* ("Principles of Mixed-Initiative User Interfaces"). This rejection should be withdrawn for at least the following reasons. Claims 23 and 25 depend from independent claim 1 and the combination of *Horvitz et al.* and the article entitled "Principles of Mixed-Initiative User Interfaces" by *Horvitz* do not remedy the aforementioned deficiencies with respect to *Liversidge et al.* Accordingly, this rejection should be withdrawn.

**VI. Rejection of Claim 27 Under 35 U.S.C. §103(a)**

Claim 27 stands rejected under 35 U.S.C. §103(a) as being unpatentable over *Liversidge et al.* in view of *Horvitz et al.* (US 6,021,403) and further in view of *Metcalf* ("After 35 years of technology Crusades, Bob Metcalfe rides off into the Sunset") and *Jensen et al.* (US 5,930,828). Withdrawal of this rejection is requested for at least the following reasons. Claim 27 depends from independent claim 1 and *Horvitz et al.*, the article by *Metcalf*, and *Jensen et al.* do not cure the aforementioned deficiencies with respect to *Liversidge et al.* Accordingly, withdrawal of this rejection is requested.

09/894,087

MS171133.01/MSFTP213US

CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP213US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

AMIN & TUROCY, LLP



Himanshu S. Amin

Reg. No. 40,894

AMIN & TUROCY, LLP  
24<sup>TH</sup> Floor, National City Center  
1900 E. 9<sup>TH</sup> Street  
Cleveland, Ohio 44114  
Telephone (216) 696-8730  
Facsimile (216) 696-8731